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## HOME DEPARTMENT

### NOTIFICATION

The 27th February 2025

No. 8650—HOME-CPM-MISC-0260/2024-CP&M.—In exercise of the powers conferred by the provisions of Section 396 of the Bharatiya Nagarik Suraksha Sanhita (46 of 23) 2023, the State Government do hereby make the following amendments to the Odisha Victim Compensation Scheme, 2017, namely :—

1. (1) This scheme may be called the Odisha Victim Compensation (Amendment) Scheme, 2025.

(2) It shall be deemed to have come into force with effect from the 1st January 2025.

2. In the Odisha Victim Compensation Scheme, 2017 (hereinafter referred to as the said scheme) in Clause 7 in sub-clause (a), for the word “He/She” appearing in the opening portion; the words ‘he’ shall be substituted and after the first para the following para shall be inserted, namely :—

“A woman victim or her dependent(s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 396(7) Bharatiya Nagarik Suraksha Sanhita shall be taken into account while deciding the quantum in the subsequent application”. Women victims or Survivors of Sexual Assault or other Crimes mentioned in sub-clause (f) and (g) of Clause 9 shall not be applicable for Women victims.”

3. In the said scheme, in Clause 5, the following paragraph shall be added, namely :—

“The authority empowered to issue the dependency certificate shall issue the same within a period of fifteen days and, in no case, this period shall be extended :

Provided that the District Legal Services Authority, in case of non-issuance of Dependency Certificate, after expiry of 15 days, may proceed on the basis of an affidavit to be obtained from the claimant”.

4. In the said scheme, in Clause 9,—

(a) For Clause (b), the following clause shall be substituted, namely :—

“Subject to the provisions of sub-section (2) of Section 396 of the Bharatiya Nagarik Suraksha Sanhita, the District Legal Service Authority, in appropriate cases, may

institute proceeding before the competent Court of law for recovery of the compensation granted to the victim or her dependent(s) from person(s) responsible for causing loss injury as a result of the crime committed by him. The amount, so recovered, shall be deposited in Victim Compensation Fund. Copy of the order of interim or final compensation passed under this scheme shall be placed on record of the trial Court so as to enable the trial Court to pass an appropriate order of compensation under Section 395 of the Bharatiya Nagarik Suraksha Sanhita. A true copy of the order shall be provided to the Investigation Officer in case the matter is pending investigation and also to the victim or dependent as the case may be. Compensation under the scheme shall be paid subject to the condition that if the trial Court while passing judgement at later date, orders the accused persons to pay any amount by way of compensation under sub- section (3) of Section 396 of the Act, the victim shall remit an amount ordered to be paid under the said sub-section (3) of Section 396 of the Act, whichever is less. An undertaking to this effect shall be given by this victim before the disbursal of the compensation amount”.

- (b) In sub- clause (f) for the words “The Victims”, the words and brackets “the victims (except female)” shall be inserted;

- (c) For sub- clause (g), the following sub- clause shall be substituted, namely :—

“The cases covered under the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act and the Protection of Civil Rights (PCR) Act, 1955 shall not be covered under the scheme except for female victims.”

- (d) After sub- clause (j), the following clauses shall be inserted, namely :—

“(k) Notwithstanding anything contained in Clause 9, the amount of compensation so awarded shall be disbursed by the District Legal Services Authority by depositing the same in a bank in the joint or single name of the victim or dependent (s). In case the victim does not have any bank account, the District Legal Services Authority concern would facilitate opening of a bank account in the name of the victim and in case the victim is a minor along with a guardian or in case, minor is in a child care institution, the bank account shall be opened with the Superintendent of the Institution as Guardian. However, in case the victim is a foreign national or a refugee, the compensation can be disbursed by way of cash cards.

Interim amount shall be disbursed in full. However, as far as the final compensation amount is concerned, 75% (seventy- five per cent) of the same shall be put in a fixed deposit for a minimum period of three years and the remaining 25% (twenty-five percent) shall be available for utilization and initial expenses by the victim or dependent(s), as the case may be.

- (l) In the case of a minor, 80% of the amount of compensation so awarded, shall be deposited in the fixed deposit account and shall be drawn only on attainment of the age of majority, but not before three years of the deposit :

Provided that in exceptional cases for the reasons to be recorded in writing, amounts may be withdrawn for educational or medical or other pressing and urgent needs of the beneficiary at the discretion of the District Legal Services Authority.

- (m) The interest on the sum, if lying in Fixed Deposit Receipt (FDR) form, shall be credited directly by the bank in the savings account of the victim or dependent(s), on monthly basis which can be withdrawn by the beneficiary”.
- (n) “That in case the victim is an orphaned minor without any parent or legal guardian the immediate relief or the interim compensation shall be disbursed to the Bank Account of the child,. opened under the guardianship of the Superintendent, Child Care Institution where the child is lodged or in absence thereof, Drawing and Disbursing Officer or Sub divisional Magistrate, as the case may be”.

5. In the scheme, for Clause 10, the following clause shall be substituted, namely :—

“(10) Under the scheme, no claim made by the victim or her dependent(s) under sub- section (4) of Section 396 of the Bharatiya Nagarik Suraksha Sanhita, shall be entertained after a period of 3 years from the date of occurrence of the offence or conclusion of the trial.

However, in deserving cases, on an application made in this regard, for reasons to be recorded in writing, the delay beyond three years can be condoned by the District Legal Services Authority”.

6. In the said scheme, in the Schedule-II appended thereto, after the notes the following notes shall be added, namely :—

“Moreover, in case the victim is minor, the limit of compensation shall be deemed to be 50% higher than the amount mentioned in the schedule appended to this chapter.

Victims of Acid attack are also entitled to additional compensation of Rs. 1 lakh under the Prime Minister’s National Relief Fund vide Memorandum No. 24013/ 94-Misc.-2014-CSR-III-GOI-MHA, dated the 9th November 2016”.

By order of the Governor  
SATYABRATA SAHU  
Additional Chief Secretary to Government